



E. Cheser
8-10-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

S.D. AUGUSTINE ET AL

Serial No. 08/855,061

Filed: May 13, 1997

For: THERMAL BLANKET

Group Art Unit: 3304

Examiner: M. Graham

Docket No.: AUGA01000012

23 / Disclosure
Statement

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

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COMMUNICATION

Accompanying this paper is an Information Disclosure Statement. On December 21, 1998, a CPA with a Petition to Suspend Prosecution was filed in the USPTO for the subject application. Because of the status of litigation related to the subject matter and priority of this application, the suspension was granted by an Office Action dated March 17, 1999. The litigation has now been heard on appeal by the Court of Appeals, Federal Circuit. The accompanying Information Disclosure Statement forwards a copy of the Decision on Appeal. Subsequent to the decision, Augustine Medical, Inc., the owner by assignment of this patent application, submitted a Petition For Rehearing And Suggestion For Rehearing In Banc, a copy of which is attached. As of this date, the Federal Circuit has not ruled on the Petition, but has asked that Gaymar and Mallinckrodt respond to the petition.

Respectfully submitted,

TERRANCE A. MEADOR
Registration No. 30,298

Date: 15 July 1999

GRAY CARY WARE & FREIDENRICH
401 B Street, Suite 1700
San Diego, California 92101

Telephone: (619) 699-2652 Fax: (619) 236-1048

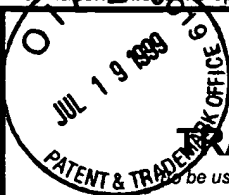
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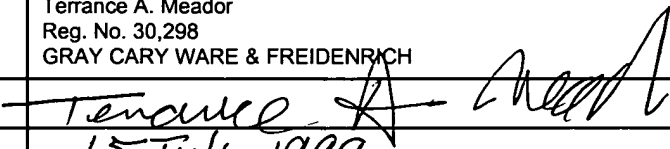
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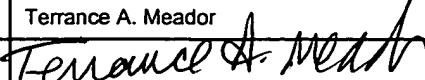
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| | | | |
|--|----------------------|------------------------|--------------|
|  TRANSMITTAL FORM <small>to be used for all correspondence after initial filing</small> | Application Number | 08/855,061 | |
| | Filing Date | 05/13/97 | |
| | First Named Inventor | S.D. Augustine et al | |
| | Examiner Name | Graham | |
| | Group Art Unit | 3711 | |
| Total Number of Pages in This Submission | 4 + postcard | Attorney Docket Number | AUGA01000012 |

| ENCLOSURES (check all that apply) | | |
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| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Response | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition Checklist and Accompanying Petition | <input type="checkbox"/> Proprietary Information |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> To Convert a Provisional Application | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Power of Attorney, Revocation | <input checked="" type="checkbox"/> Additional Enclosures (please identify below) |
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| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | | |
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| Remarks: | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | |
|--|---|
| Firm or Individual Name | Terrance A. Meador Reg. No. 30,298 GRAY CARY WARE & FREIDENRICH |
| Signature |  |
| Date | 15 July 1999 |

| CERTIFICATE OF MAILING | | | |
|--|---|------|--------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 15 July 1999 | | | |
| Typed or printed name | Terrance A. Meador | | |
| Signature |  | Date | 15 July 1999 |